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EXAMINER

HANSEN, COLBY M

ART UNIT	PAPER NUMBER
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3682

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 12

Application Number: 09/824,276
Filing Date: April 02, 2001
Appellant(s): SCHEIB ET AL.

Anna M. Shih
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/24/2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

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(3) Status of Claims

The statement of the status of the claims contained in the brief is correct.

(5) Summary of Invention

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Grouping of Claims

Appellant's brief includes a statement that claims 11, 13-16, and 19-28 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 11, 13-16, and 19-28 were rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. 7.

(11) Response to Argument

Applicants' argue that claim 11 is patentable over Reynolds in view of Jones as there is no motivation to incorporate the groove structure in Jones with the shift control of Reynolds. The Examiner disagrees. It appears that applicants' are misinterpreting the rejection to conclude that the modification of Reynolds in view of Jones would incorporate all structures within said two references, into one obvious invention. This is inaccurate. It is the position of the Examiner

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that it would have been obvious to have modified Reynolds, specifically the internal structure of the shift indicator mechanism acted upon by the plunger 144, with only the mechanical attributes of the shift indicator system of Jones, specifically the plunger 110 having an arcuate surface 122, and shift sensor mechanism 132,138, so as to create a robust, two-position sensory system that relays shift position information to a central ECU, thereby providing proper and safe shifting, as suggested by Jones. Note that Reynolds only shows a generic shift indicating mechanism acted upon by a plunger and Jones teaches to one of ordinary skill in the art the providing of a plunger with an arcuate surface to engage a shift actuating shank to indicate a shift position. As such there is a clear motivation to modify Reynolds in view of Jones.

Applicants' arguments regarding claims 13-16 and 19-28, all are based on applicants' original argument with respect to claim 11 above, that there is no motivation to for the combination of Reynolds and Jones. As such the arguments have already been addressed. Furthermore, all limitations set forth in claims 13-16 and 19-28 are covered within the Office Action of 5/21/2003, paper number 7.

For the above reasons, it is believed that the rejections should be sustained.

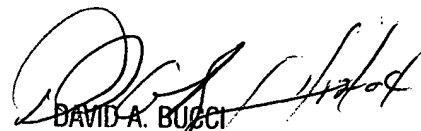
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Respectfully submitted,

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January 12, 2004



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